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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR04-512-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 ELIZABETH KAY GUTIERREZ,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on January 29, 2009. The United States was represented by AUSA Tessa M. Gorman and the
16 defendant by Paula Semmes Deutsch. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about April 28, 2006 by the Honorable Marsha J.
18 Pechman on a charge of Conspiracy to Commit Bank Fraud, and sentenced to 245 days custody,
19 with credit for time served, and 5 years supervised release. (Dkt. 370.)

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant participate in drug testing and treatment, abstain from alcohol, submit to search,
22 participate in a mental health program, reside in and satisfactorily complete the SeaMar Recovery

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE
PAGE -1

Center program, pay restitution in the amount of \$25,462.85, provide access to financial information, be prohibited from incurring new lines of credit or credit charges, and not possess any identification documents in any but defendant's true identity.

In an application dated January 9, 2009 (Dkt. 461), U.S. Probation Officer Tammy M. White alleged the following violations of the conditions of supervised release:

1. On October 6, 14, and 27, 2008, Ms. Gutierrez failed to report for urinalysis testing as required by Evergreen Treatment Services, in violation of the special condition that she participate in drug aftercare.

2. On or before October 31, 2008, Ms. Gutierrez was terminated from Evergreen Treatment Services in violation of the special condition that she participate in drug aftercare.

Defendant was advised in full as to those charges and as to her constitutional rights.

Defendant admitted the alleged violations and waived any evidentiary hearing as to whether they occurred. (Dkt. 469.)

I therefore recommend the Court find defendant violated her supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Pechman

Pending a final determination by the Court, defendant has been released on the conditions of supervision.

DATED this 29th day of January, 2009.


Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable Marsha J. Pechman
AUSA: Tessa M. Gorman
Defendant's attorney: Paula Semmes Deutsch
Probation officer: Tammy M. White